

# Notice of Allowability

Application No.

09/702,254

Examiner

Mary Cheung

Applicant(s)

CURRANS ET AL.

Art Unit

3621

*Handwritten signature*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed June 21, 2004.
2. ☒ The allowed claim(s) is/are 5-20 and 25-29.
3. ☒ The drawings filed on 30 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Timothy Myers on August 18, 2004.

3. The application has been amended as follows:

Claims 1-4 have been canceled.

In line 3 of claim 5, the word --electronically-- has been inserted before the word "providing";

In line 5 of claim 5, the word --electronically-- has been inserted before the word "receiving";

In line 6 of claim 5, the word --electronically-- has been inserted before the word "combining";

In line 8 of claim 5, the word --electronically-- has been inserted before the word "making".

In line 3 of claim 8, the word --electronically-- has been inserted before the word "receiving";

In line 4 of claim 8, the word --electronically-- has been inserted before the word "creating";

In line 5 of claim 8, the word --electronically-- has been inserted before the word "receiving";

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In line 7 of claim 8, the word --electronically-- has been inserted before the word "creating";

In line 8 of claim 8, the word --electronically-- has been inserted before the word "providing";

In line 9 of claim 8, the word --electronically-- has been inserted before the word "receiving";

In line 10 of claim 8, the word --electronically-- has been inserted before the word "using";

In line 11 of claim 8, the word --electronically-- has been inserted before the word "transferring".

In line 3 of claim 9, the word --electronically-- has been inserted before the word "receiving";

In line 4 of claim 9, the word --electronically-- has been inserted before the word "retrieving";

In line 5 of claim 9, the word --electronically-- has been inserted before the word "using";

In line 6 of claim 9, the word --electronically-- has been inserted before the word "retrieving";

In line 7 of claim 9, the word --electronically-- has been inserted before the word "transmitting".

In line 5 of claim 11, the word --electronically-- has been inserted before the word "retrieving";

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In line 8 of claim 11, the word --electronically-- has been inserted before the word "transmission".

Claims 21-24 have been canceled.

***Allowable Subject Matter***

4. Claims 5-20 and 25-29 are pending, and all the pending claims are allowed.

5. The following is an examiner's statement of reasons for allowance:

The closest prior art of Downs et al. (U. S. Patent 6,574,609) teaches securely distributing electronic content over network, and distribution involves content provider, content hosting sites, electronic digital content stores, end user devices, and clearinghouses.

In regarding to independent claims 5, 7-9, 11-12, 17, 25-27 and 29, Downs taken either individually or in combination with other prior art of record fails to teach or suggest providing an identifier and a royalty amount to clearinghouse, wherein said identifier referenced to an account for content owner, providing another identifier to the clearinghouse, wherein said another identifier referenced to an account for the medium, and the clearinghouse transferring the royalty amount from the account for the medium to the account for the content owner.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The article titled "Music Over the Net: The Next Big Thing in Electronic Commerce?" (Allen, Telecommunications, v32n6, pp s2-s5, June 1998, ISSN: 0278-4831) discloses promoting distribution of music through on-line retailers.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
August 19, 2004

  
JAMES TRAMMELL  
SUPERVISOR